IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 24750 of 2004(U)

PETITIONER:

R.MURALEEDHARAN NAIR, S/O.
P.RAGHAVAN PILLAI, CONFIDENTIAL ASSISTANT,
GENERATION CIRCLE, KERALA STATE ELECTRICITY
BOARD, KOTHAMANGALAM.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VAIDHUTHI
BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (HRM)
KERALA STATE ELECTRICITY BOARD,
VAIDHUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM.

3. DY.CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
INVESTIGATION CIRCLE, KOTHAMANGALAM.

4. REGISTRAR, BENARAS HINDU UNIVERSITY,
VARANASI -221 005.

5. BENARAS HINDU UNIVERSITY
REPRESENTED BY ITS VICE CHANCELLOR,
VARANASI -221 005.

ADDL. RESPONDENT:

6. DEPUTY SECRETARY, MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES & PENSION, DEPARTMENT OF PESNION
& PENSIONERS' WELFARE, 6TH FLOOR, NIRVACHAN SADAN,
ASHOKA ROAD, NEW DELHI-111 001.

(ADDL. R6 IS IMPLEADED AS PER ORDER DT.23.3.2005 IN I.A. NO.3748/2005).

R1 TO 3 BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SRI.K.S.ANIL, SC
R4&5 SRI.P.JACOB VARGHESE SC FOR B.H.UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON 22/02/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONER DT.26.9.98 BEFORE R4.

P2: TRUE COPY OF ORDER DT.17.10.98 ISSUED BY DY. REGISTRAR(ADMN.), BANARAS HINDU UNIVERSITY.

P3: TRUE COPY OF RELIEVING CERTIFICATE ISSUED BY THE BANARAS HINDU UNIVERSITY TO THE PETITIONER DT.19.10.98.

P4: TRUE COPY OF GOVT. ORDER DT.31.3.87.

P5: TRUE COPY OF BOARD'S ORDER DT.25.7.89.

P6: TRUE COPY OF COMMUNICATION DT.19.8.99 ISSUED TO THE PETITIONER BY THE DY. REGISTRAR(ADMN.), BANARAS HINDU UNIVERSITY.

P7: TRUE COPY OF COMMUNICATION DT.14.2.2000 ISSUED TO R3 BY THE BANARAS HINDU UNIVERSITY.P.O

P8: TRUE COPY OF COMMUNICATION ISSUED BY THE CHIEF ENGINEER DT.2.7.2000 TO THE DY. CHIEF ENGINEER, KSEB.

P9: TRUE COPY OF COMMUNICATION ISSUED BY R3 TO R5 DT.23.3.2000.

P10: TRUE COPY OF LETTER DT.26.4.2000 ISSUED BY R3 TO THE BANARAS HINDU UNIVERSITY.P.O

P11: TRUE COPY OF THE COMMUNICATION DT.19.6.2000 ISSUED BY R3 TO THE BANARAS HINDU UNIVERSITY.

P12: TRUE COPY OF LETTER ISSUED BY R3 DT.16.11.2000 TO THE BANARAS HINDU UNIVERSITY.P

P13: TRUE COPY OF REPRESENTATION DT.9.9.2000 ISSUED BY PETITIONER TO R5.

P14: TRUE COPY OF LETTER DT.12.1.01 ISSUED BY R3 TO R5.

P15: TRUE COPY OF COMMUNICATION DT.28.2.01 ISSUED BY THE DY. REGISTRAR (ADMN.), BANARAS HINDU UNIVERSITY.P

P16: TRUE COPY OF REPRESENTATION DT.22.3.2001 ISSUED BY PETITIONER TO R4.

P17: TRUE COPY OF REPRESENTATION DT.20.6.01 ISSUED BY PETITIONER'S WIFE TO R5.

P18: TRUE COPY OF LETTER DT.22.6.01 ISSUED BY DY. REGISTRAR, BANARAS HINDU UNIVERSITY TO R3.

P19: TRUE COPY OF COMMUNICATION DT.11.3.03 ISSUED BY THE CHAIRMAN, NATIONAL COMMISSION, FOR SC & ST TO R5.

P20: TRUE COPY OF NO OBJECTION CERTIFICATE DT.22.6.94 ISSUED BY THE ASSISTANT REGISTRAR(ADMN.), BANARAS HINDU UNIVERSITY, VARANASI, TO THE PETITIONER.

P21: TRUE COPY OF THE OM DT.7.2.1986 ISSUED BY THE GOVT. OF INDIA.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.24750 of 2004

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Dated this the 22nd day of February, 2007.

JUDGMENT

Petitioner after serving 11 years in the Banaras Hindu University as a Stenographer left it and joined the KSEB on selection by KPSC. At present petitioner is working as Confidential Assistant in the KSEB. Petitioner's employment in KSEB is pensionable and since almost one third of petitioner's career is spent serving the Banaras Hindu University, petitioner claimed pro-rata pensionary benefits from Banaras University. KSEB has vide Ext.P14 informed the petitioner that if pro-rata pension is given by Banaras University, the KSEB will collect and pay the same along with pension payable by KSEB. It is seen that the University has not rejected the petitioner's claim, but has referred the claim to additional 6th respondent for decision by Government of India vide Ext.R4(g). According to the petitioner, so far additional 6th respondent has not taken decision and communicated the same to the Banaras University. In the circumstances, W.P. is disposed of with direction to additional 6th respondent to take decision on request made by 5th respondent. The petitioner is free to give more details to substantiate his claim with reference to Rules and therefore,

6th respondent is directed to grant hearing to the petitioner to enable him to effectively represent the matter before final decision is taken. Final decision should be taken within four months from the date of production of copy of this judgment.

C.N.RAMACHANDRAN NAIR
Judge

pms